

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-23 were pending in the application. With this Amendment and Reply, Claims 1, 2 and 22 have been amended. No claims have been added, and no new material has been added. Therefore, Claims 1-23 will remain pending in this application upon entry of this Amendment and Reply.

Allowable Subject Matter

Applicants acknowledge and thank the Examiner for indicating that Claims 3, 7, 9, and 15-17 would be allowable if rewritten in independent form. At this time, Applicants have chosen not to rewrite any of these claims in independent form including all of the limitations of the base claim and any interfering claims. Rather, as detailed below, Applicants believe that all of the pending claims recite a combination of subject matter that is patentable in view of the cited reference.

Claim Amendments

Applicants have amended Claims 1, 2, and 22 to correct typographical errors.

Claim Rejections – 35 U.S.C. § 102 and 103

On page 2 of the Office Action, Claims 1, 2, 5, 6, 8, 11, 13, 14, and 18-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,333,324 to Pinciaro ("Pinciaro"). On pages 2 and 3 of the Office Action, Claims 4, 10, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinciaro. Applicants respectfully traverse these rejections, because Pinciaro fails to disclose, teach, or suggest at least one claim element recited in each of independent Claims 1 and 22.

For example, independent Claim 1 recites a "bath" comprising, among other elements, a "neck water outlet fitting [that is] interchangeably connectable to [a] water connection" and a "shoulders water outlet fitting . . . interchangeably connectable to the water connection."

Also, independent Claim 22 recites a "bath" comprising, among other elements, a "neck water outlet fitting [that is] interchangeably connectable to [a] water connection(s)" and a "pair of left and right shoulders water outlet fittings connectable to the water connection(s)."

Pinciaro fails to disclose, teach, or suggest such baths. In rejecting Claims 1 and 22, the Examiner points to no specific part of Pinciaro, whether in the detailed description or the drawings, as disclosing its “nozzle 22a” (which the Examiner analogized to the claimed neck water outlet fitting) as being interchangeably connectable with a water connection, as recited by independent Claims 1 and 22, or its “hose 21c” and its “nozzle 22c” (which the Examiner analogized to the claimed shoulders water outlet fitting) as being interchangeably connectable with the water connection, as recited by independent Claim 1. The Examiner’s failure to identify such a feature is not surprising because no such teaching is found in the reference. Instead, the “nozzles 22a and 22c” are depicted or described in manners that, if anything, connote a permanent connection, such that they are not intended to be removed from or moved within the “hot tub 10.”. The present Application describes how configuring a water outlet fitting to be interchangeably connectable to a water connection may, in at least some embodiments, allow the water outlet fitting to be selectively moved between different positions around the bath and/or be selectively removed from the bath and replaced with a different component, such as a pillow. Application at Par. [0031]. There is no such disclosure, teaching or suggestion in Pinciaro.

Accordingly, Pinciaro fails to disclose, teach, or suggest the combinations of elements recited in independent Claims 1 and 22. Applicants respectfully request reconsideration and withdrawal of the rejections of Claims 1, 22, and their associated dependent claims.

* * *

Applicants submit that each outstanding objection and rejection to the application has been overcome, and the applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

It should also be noted that although the applicants have only addressed certain claims or claimed features herein, other claims features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to rebut any statement presented by the Examiner and to set forth additional and/or alternative reasons for patentability during prosecution of the present application or in any other future proceeding.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 1, 2011 _____ By /Adam M. Gustafson/ _____

FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5306
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601